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C O N F I D E N T I A L SANTIAGO 002345

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STATE FOR WHA/BSC, PM

E.O. 12958: DECL: 11/16/2015

TAGS: [MARR](#) [PREL](#) [CI](#)

SUBJECT: SENIOR MFA OFFICIAL REITERATES THAT "ICC
RATIFICATION IS A LONG WAY OFF"

REF: STATE 02315 AND PREVIOUS

Classified By: Ambassador Craig Kelly. Reasons: 1.4 (b and d).

¶1. (C) The Ambassador called on Foreign Ministry Director General for External Affairs Carlos Portales on November 16, in part to follow up on a November 10 meeting with Foreign Minister Walker regarding the International Criminal Court (ICC) and Article 98 (reftel). The Ambassador asked Portales (who sat in on the November 10 meeting) if the GOC had further thoughts on "creative ways" to avoid American Servicemembers' Protection Act sanctions, as Foreign Minister Walker had suggested.

¶2. (C) Portales did not respond to the question directly. Rather, he said ICC ratification was "a long way off." He explained that Congress first had to vote to amend the constitution before it could vote to ratify the Rome Statute.

Only then could the GOC submit the formal ratification documentation. Portales speculated "the most" the GOC could achieve between now and the end of the Lagos Administration (March 2006) would be passage of the constitutional amendment. He cautioned there might not even be time for this initial step.

KELLY